

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael S.Y. Wong et al.

Application No.: 10/809,287

Art Unit.: 2617

Filing Date: 03/24/2004

Examiner: Julio R. Perez

For: "Wireless LAN Using RSSI And BER Parameters For Transmission Rate Adaptation"

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: June 20, 2007

AMENDMENT TRANSMITTAL

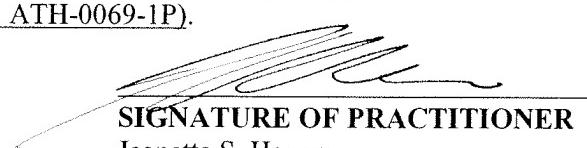
1. Transmitted herewith is an amendment for this application.
2. **STATUS:** Applicant is other than a small entity.
3. **EXTENSION OF TERM:** The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
4. **FEE FOR CLAIMS:** The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3)	LARGE ENTITY		
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	
Total 37	Minus 39	= 0	x \$50 =	\$0	
Indep. 3	Minus 3	= 0	x \$200 =	\$0	
First Presentation of Multiple Dependent Claim			+ \$360 =	\$0	
			Total		
			Addit. Fee	\$0	

No additional fee for claims is required.

5. **FEE DEFICIENCY:** If any additional extension and/or fee is required, please charge Deposit Account No. 50-0574 (Docket No. ATH-0069-1P).

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SIGNATURE OF PRACTITIONER
Jeanette S. Harms
Reg. No. 35537

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael S.Y. Wong et al.

Assignee: Atheros Communications, Inc.

Title: Wireless LAN Using RSSI And BER Parameters For
Transmission Rate Adaptation

Serial No.: 10/809,287 File Date: March 24, 2004

Examiner: Julio R. Perez Art Unit: 2617

Docket No.: ATH-0069-1P

Date: June 20, 2007

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AMENDMENT IN RESPONSE TO THE FIRST OFFICE ACTION

Initial Comments:

This response addresses the status of Claims 1-39. Claims 1-5, 8-11, 13-15, 17-18, 22-26, 29-32, 34-36, and 38-39 are rejected under 35 U.S.C. 103(a) as being rendered obvious by Sindhushayana in view of U.S. Publication 2003/0021243 (Hamalainen). Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,760,313 (Sindhushayana). Claims 6, 7, 12, 16, 27, 28, 33, and 37 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3 and 24 are cancelled herein.